

**Status of the Claims:**

1-21. (Canceled).

22. (Currently amended) In a system comprising a packet switched data network bridging a first telephony network, and a second telephony network, and a packet switched data network connecting the first telephony network to the second telephony network,

call setup across network communication availability communication between said first and second telephony networks being implemented with an out of band telephony signaling protocol, a method of performing call setup through the packet switched network for a call originated at said first telephony network toward said second telephony network, comprising the steps of:

at an interface for said first telephony network in said packet switched network, receiving information on resource status in the second telephony network using said out of band signaling protocol; and

when said information on resource status indicates that resources are available in said second telephony network to complete setup of the call therein, implementing call setup for the call through said packet switched data network with a separate call signaling protocol, there being no communication path for the call through the packet switched data network prior thereto.

23. (Original) The method of claim 22 further comprising a step of transmitting call setup messages from said first telephony network to said second telephony network with said out of band telephony signaling protocol.

24. (Original) The method of claim 23 wherein said out of band signaling protocol is SS7.

25. (Original) The method of claim 24 whercin said step of transmitting call setup messages comprising sending an IAM (Initial Address Message) from an origination point signaling controller of said first telephony network to a termination point signal controller of said second telephony network.

26. (Original) The method of claim 25 further comprising a step of sending an ACM ( Answer Complete Message) from said termination point signaling controller to said origination point signaling controller, confirming that said second telephony network is capable of

taking the call.

27. (Original) The method of claim 26 wherein said ACM is sent by said termination point signaling controller after said call setup in said second telephony network is successfully implemented.

28. (Original) The method of claim 26 wherein said separate signaling protocol is H.323.

29. (Original) The method of claim 28 further comprising a step of sending an ARQ (AnswerReQuest) or equivalent from an originating gateway of said packet switched data network to said origination point signaling controller, and, a step of sending, in response of said ARQ, an ACF (AnswerConFirm) from said originating point signaling controller to said originating gateway.

30. (Original) The method of claim 29 further comprising a step of sending, from said originating point signaling controller to said originating gateway, an indicator indicating that said call is headed to an SS7 network.

31. (Original) The method of claim 30 further comprising a step of holding said ACF at said originating gateway, waiting for a confirmation that said setup in said second telephony network is successful before starting said step of implementing call setup within said packet switched data network with H.323 protocol.

32. (Original) The method of claim 31 further comprising a step of sending said confirmation from said origination signaling controller to said originating gateway, upon receipt of said ACM at said origination signaling controller.

33. (Original) The method of claim 32 wherein said step of implementing call setup within said packet switched data network with H.323 protocol is started upon said originating gateway's receipt of said confirmation.

34. (Original) The method of claim 32 further comprising a step of sending a release message from said termination point signaling controller to said origination point signaling controller if said termination point signaling controller cannot take said call, and upon receipt of said release message, said origination point signaling controller selecting another termination point signaling controller.

35. (Original) The method of claim 22 further comprising a step of determining, at said origination point signaling controller, whether to transmit call setup messages to a potential termination point signaling controller by said out of band telephony signaling protocol or by said separate protocol.

36. (Previously Presented) The method of claim 22 wherein the first and second telephony networks are PSTNs (Public Switched Telephone Networks).

37. (Currently amended) A communication system, comprising

a first PSTN (Public Switched Telephone Network);

a second PSTN; and

a packet switched data network connecting the first PSTN to the second PSTN,

wherein the system is operable to:

| implement call-setup-across-network availability communication between the first and second PSTN networks with SS7 telephony signaling protocol,

at an interface for said first telephony network in said packet switched network, receive information on resource status in the second telephony network when said information on resource status indicates that resources are available in said second telephony network to complete setup of the call therein, implement call setup within the packet switched data network with a Voice Over Internet Protocol (VOIP) call signaling protocol, there being no communication path for the call through the packet switched data network prior thereto.

38. (Previously Presented) The system of claim 37 wherein the VOIP protocol used for implementing call setup in the packet switched data network is H.323 protocol.

39. (Currently amended) A communication network, comprising:

a first PSTN (Public Switched Telephone Network) serving as an origination leg of the communication network;

a second PSTN serving as a termination leg of the communication network;

a packet switched data network (DN) connecting the first PSTN to the second PSTN and operable, upon an occurrence of call setup confirmation in the second PSTN, to establish communication connectivity between the first and second PSTNs, the DN interfacing to the first

PSTN through an origination gateway and to the second PSTN through a termination gateway; and  
an SS7 signaling network extending from the origination gateway to the termination gateway, and operable to conduct call-setup-messaging-network availability communication between the two gateways.

40. (Previously Presented) The communication network of claim 39 wherein the SS7 signaling network is arranged in parallel with the packet switched data network.

41. (Currently amended) The communication network of claim 39 wherein call setup signaling is conducted within the packet switched data network only once call-setup-messaging network availability communication between the origination gateway and the termination gateway in the SS7 network confirms the availability of the second PSTN to receive a call.

42. (Previously Presented) The communication network of claim 39 wherein the origination gateway is located at an interface between the first PSTN and the DN; and the termination gateway is located at an interface between the second PSTN and the DN.

43. (Previously Presented) A method for setting up a call in communications system having a first PSTN, a second PSTN, and a packet-switched data network bridging the first PSTN and the second PSTN, the method comprising:

initiating a call in the first PSTN;

determining whether resources in the second PSTN are available to take the call initiated in the first PSTN;

issuing a resource-availability confirmation message from the second PSTN if resources are available therein to take the call; and

conducting call setup signaling within the data network only after receiving the resource-availability confirmation message from the second PSTN.

44. (Currently amended) The method of claim 43 wherein the determining step comprises:

conducting call-setup-messaging-network availability communication between an origination gateway, at an interface between the first PSTN and the data network, and a termination gateway, at an interface between the second PSTN and the data network.

45. (Currently amended) The method of claim 44 wherein the conducting step comprises:

using h.323 signaling ~~SS7 messaging~~ to perform call setup in the data network.

46. (Canceled).